

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Marilyn Armstrong, Marshall R. Mazyck,  
Lilian Alvarado, Gordon Urquhart,  
Blake J. Willett, Bryan Henry, Kenneth  
Davis, Eric Moore, Nzingha M. Kellman,  
and Michael Benjamin

Civil Action No. 07-3561(GEL)(HBP)  
ECF Case

Plaintiffs,

-against-

Metropolitan Transportation Authority,  
Elliot Sander, Executive Director and Chief  
Executive Officer of the MTA, William  
Morange, Deputy Executive Director/Director  
of Security of the MTA, Kevin McConville,  
Chief of the MTA Police Department, and  
Terrance Culhane, Assistance Deputy Chief  
of the MTA Police Department.

Defendants.

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**DECLARATION IN OPPOSITION TO DEFENDANT'S APPLICATION TO WITHHOLD  
PERSONNEL FILES OF SUPERVISORS**

I, RACHEL D. NICOTRA, declare under penalty of perjury that:

1. I am an attorney duly admitted to practice law in the State of New York and before this Court and a member of the firm of McLAUGHLIN & STERN, LLP, attorneys for Plaintiffs in this matter.

2. I submit this Declaration in opposition to Defendants' Application to withhold personnel files of supervisors, and specifically, to place into the record on the motion documentary exhibits.

3. Annexed hereto as Exhibit "1" is a true and correct copy of the May 5, 2008, letter sent jointly to Judge Lynch by the parties in this matter.

4. Annexed hereto as Exhibit "2" is a true and correct copy of the transcript of the May 14, 2008, Conference before Magistrate Judge Pitman.

5. Annexed hereto as Exhibit "3" is a true and correct copy of the first two pages of the Metropolitan Transportation Authority Police Department Manual ("MTA PD Manual").

6. Annexed hereto as Exhibit "4" is a true and correct copy of Section #2-05 of the MTA PD Manual entitled Military Conduct.

7. Annexed hereto as Exhibit "5" is a true and correct copy of Section #5-051 of the MTA PD Manual entitled Awards.

Dated: August 15, 2008



Rachel D. Nicotra